

## **Remarks**

Claims 1-11 are pending in this application. Claims 1-11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Pinder et al. (U.S. Patent No. 5,742,677). Pinder does not anticipate the claimed invention. The invention is believed to be patentable.

Claim 1, for example, recites a method for providing personalized interactive programming over a data path. The data path extends between a service provider and a set top box. The service provider is connected to a data network and has an address. The method comprises establishing a communication path between a broadband digital terminal and the set top box. The broadband digital terminal is connected to the data network and the service provider broadcasts video through the broadband digital terminal to the set top box.

A private data packet is sent in addition to the broadcast video from the service provider. The private data packet is sent over the network and through the broadband digital terminal to the set top box. **The packet contains application interface information for the service provider and contains the service provider address.** An impulse pay-per-view communication path is established from the set top box through the broadband digital terminal and over the network to the service provider based upon the address. **This allows interactive programming using the application interface information between the service provider and the set top box to personalize the broadcast programming.**

The invention is exemplified in Figures 1 and 2. As shown, service provider 12 broadcasts video through the broadband digital terminal 24 to the set top box 30. Figure 2, block 52. A private data packet is sent in addition to the broadcast video from service provider 12 over network 22 and through the broadband digital terminal 24 to the set top box 30. **The packet contains application interface information for service provider 12 and contains the service provider address.** Figure 2, block 54. Impulse pay-per-view communication path 36 is established, and allows **interactive programming using the**

**application interface information from the private data packet** to personalize the broadcast programming. Figure 2, block 56.

It must be appreciated that the invention, as captured (for example) by claim 1, involves broadcasting video through the broadband digital terminal to the set top box, and in addition to the broadcast video, sending a private data packet through the broadband digital terminal to the set top box. **Importantly, the private data packet contains application interface information for the service provider and contains the service provider address. The cited prior art fails to show this particular feature as claimed.**

In more detail, the private data packet is sent with the broadcast video (for example, between MPEG2 frames), and the contained application interface information (API) and service provider address (IP address) allow interaction between the set top box and the service provider using the application interface information. This particular approach to personalizing broadcast programming is not described or suggested by the cited prior art.

Pinder describes an information terminal having reconfigurable memory. Pinder does not suggest the claimed private packet containing application interface information for the service provider and containing the service provider address sent along with the broadcast video, as claimed, and also does not suggest the claimed interactive programming.

Regarding the private data packet, the Examiner had made reference to column 4, line 43 - column 5, line 29 and mentioned the transmitting by the service provider of their address, logo and graphics data. This is only describing that certain information about the service provider may be transmitted in the clear and gives address, logo and graphics data as examples. These in the clear transmissions and their counterpart encrypted transmissions have nothing to do with the claimed invention. Pinder is describing an information terminal having reconfigurable memory. According to Pinder, a trust hierarchy is arranged such that a service provider may communicate messages directly with the subscriber terminal without head-end intervention. According to Pinder, this allows a trusted service provider to send commands

and data to, and reconfigure the memory of, the information terminal. In any event, none of this has anything to do with the broadcasting of video through the broadband digital terminal to the set top box, sending a private data packet in addition to the broadcast video, with the private data packet having particular contents (application interface information) that make it possible to allow interactive programming and personalize the broadcast programming, as recited in the claims.


In the Final Action, the Examiner again refers to the messages including in the clear address, logo and graphics as being a private data packet. Applicants disagree with this interpretation. **Further, the claims recite specific contents (the application interface information) for the private data packet, and further recite these contents enable interactive programming (using the application interface) to personalize the broadcast programming.** Applicants contend that Pinder does not describe broadcasting of video with the private data packet, let alone make any suggestion of the particular claimed arrangement with the private data packet including the application interface information, and thereby allowing an API for interactive programming to be enabled in the set top box.

For the reasons given above, claims 1-11 are believed to be in condition for allowance and such action is respectfully requested.

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Respectfully submitted,

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